

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Clarence Dickens,

Civil 10-3400 PJS/FLN

Petitioner,

v.

O R D E R

Joan Fabian, Commissioner of DOC,  
and John King, Warden,

Respondents.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated August 24, 2010, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus, (Docket Nos. 1 and 7), is **DENIED**;
  2. Petitioner's application for leave to proceed in forma pauperis, (Docket Nos. 2 and 3), is **DENIED**;
  3. Petitioner's motion for appointment of counsel, (Docket No. 4), is **DENIED**;
  4. Petitioner's "Pro Se Motion For Writ Of Habeas Corpus [etc.]," (Docket No. 7), is **DENIED**;
  5. This action is **DISMISSED WITHOUT PREJUDICE**; and
  6. Petitioner will not be granted a Certificate of Appealability
- LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 09/15, 2010.

s/Patrick J. Schiltz

Patrick J. Schiltz  
United States District Court